

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT A SESSION

WHICH WAS BEGUN AND HELD AT THE BOROUGH OF HARRISBURG,

ON TUESDAY, THE FIFTH DAY OF DECEMBER,

In the year one thousand eight hundred and fifteen,

END OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE

REPTIETH.

1815/16

PUBLISHED BY AUTHORITY.

HARRISBURG:

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1816.

the title to the said real estate in the purchasers, as fully and absolutely as if the said William Clennal had been a citizen of the United States at the time he purchased the said real estate : *Provided always*, That nothing in this act contained, shall be understood to injure or prejudice the right of any individual.

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate*.

APPROVED—the thirteenth day of February, one thousand eight hundred and sixteen.

SIMON SNYDER.

CHAPTER XLIII.

An ACT authorising the governor to incorporate the Northampton Water Company.

SECT. I. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That* Peter Newhard, Charles H. Martin, Peter Snyder, William Boas, and Solomon Gangewere, or any three of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned, that is to say, they shall, on or before the first day of May next, procure a book and shall enter therein as follows : “ We, the subscribers, promise to pay to the president and managers of the Northampton Water Company, the sum of ten dollars for every share set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the said company, in pursuance of an act of the general assembly, entitled ‘ An act authorising the governor to incorporate the Northampton Water Company.’ Witness our hands the day of in the year of our Lord one thousand eight hundred and .”

Commission-
ers named.

Notice to be
given of open-
ing books.

And shall thereupon give notice in one or more of the newspapers published in the borough of Northampton, for the space of two weeks, or more, when and where the said book shall be opened to receive subscriptions of stock, which place shall be within the said borough, at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names, or in the names of others when they shall appear to be duly authorised, to subscribe for any number of shares in the said stock, not exceeding ten on the first day, and the said book shall be kept open five days, or until one thousand shares shall have been subscribed ; and the said commissioners, or the officers of the company after the same shall have been organized, may at any time afterwards open the book for the subscription of shares, till the whole number afore-

said shall be subscribed: *Provided*, That every person offering to subscribe in the said book, in his own name or the name of any other person, shall previously pay to the attending commissioners, or officers, one dollar for every share to be subscribed, out of which shall be defrayed the expense attending the taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

SECT. II. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed two hundred shares or more of the said stock, the commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the governor of this commonwealth, and thereupon it shall be lawful for the governor, under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of "The Northampton Water Company;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling and transferring, in fee simple or for any less estate, such lands, tenements, hereditaments and estate, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do.

SECT. III. *And be it further enacted by the authority aforesaid*, That any two or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days notice in one or more of the newspapers printed in the borough of Northampton, of the time and place for the subscribers to meet and hold an election for officers of the company, who shall choose, by ballot, five managers, who shall be stockholders, to conduct the affairs of the company until the second Monday of May then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share bona fide held by him not exceeding ten, and for every five shares above ten and not exceeding twenty, one vote, and no stockholder shall be entitled to more than twelve votes at any election; and the said managers shall appoint one of their number president of the board, who shall sign all contracts and certificates of stock; the president and managers shall have power to appoint a treasurer and such other officers and agents as may be necessary. And the election for officers shall be held annually on the second Monday of May, at such place as may be appointed by the managers, of which at least ten days notice shall be given in one or more of the newspapers printed in said borough; and when vacancies happen, the managers shall supply them from among the

Proviso.

\$1 to be paid at time of subscribing.

When letters patent may issue.

Style of corporation.

Powers and privileges.

Notice to be given of time of organizing the company.

What officers to be chosen.

Regulation of number of votes.

Vacancies how supplied.

Provisos.

stockholders until the next annual election: *Provided*, That no stockholder, not resident within the borough of Northampton, shall be eligible as manager or treasurer of the company: *And Provided*, That no misnomer nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election shall be made, at such time and place and after such notice as the board of managers may prescribe.

President and 3 managers authorised to make by-laws.

SECT. IV. *And be it further enacted by the authority aforesaid*, That the president and managers, or any three of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well-governing the affairs of the company, and shall also have power to call special meetings of the stockholders whenever any circumstances occur which may render it necessary to consult them: *Provided*, That such by-laws, rules and regulations shall in no wise contravene the constitution and laws of this commonwealth.

Proviso.

Seal.

Certificates of stock to issue—

transferable and how.

SECT. V. *And be it further enacted by the authority aforesaid*, That the president and managers shall procure a common seal, and the certificates of stock and other official acts, shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share (held by him or her) as soon as five dollars shall be paid on such share, and every such certificate shall be transferable, in person or by attorney duly authorised, in the presence of two credible witnesses, subject, however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Time of meeting to be declared by by-laws.

Record of their proceedings to be kept.

May contract with workmen, &c.

SECT. VI. *And be it further enacted by the authority aforesaid*, That the president and managers shall meet at such times and places as shall be directed by their by-laws, and when met three members shall be a quorum, and in the absence of the president a chairman may be chosen of the number met, and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for such purposes, and a quorum being formed they shall have full power to employ and contract with engineers, artists and such workmen as they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same, and also to fix the times and manner, and in what proportion the stockholders shall pay the monies due on their respective shares, and to draw on the treasurer for all monies that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act or their by-laws, rules and regulations they shall be authorised to do.

SECT. VII. *And be it further enacted by the authority aforesaid,*

That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, to proceed to bring and convey a spring or stream of water from the neighbourhood of the borough of Northampton, into said borough: *Provided,* That the consent of all the owners of the land on which such spring or stream may be is previously obtained, by means of pipes, trunks or aqueducts, and also to provide proper cisterns or reservoirs for the reception thereof, and for these purposes may enter into such lands and enclosures as may be necessary, and to dig, ditch and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them, when the parties cannot agree, according to an assessment made by three disinterested freeholders, to be appointed, on application, by the court of common pleas in and for the county of Lehigh, reserving, nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their lands, the full effect of the conditions and reservations in their respective concessions already made; and the president and managers shall at all times (paying damages as aforesaid) have liberty to renew and repair the trunks, wherever laid, and shall also have liberty at all times to dig and lay pipes and trunks along roads and highways, and such streets and alleys of the borough of Northampton, as the town council of the said borough may permit them to do, and to renew and repair the same, shutting up and amending any breaches which they may respectively make, as soon as possible; and it shall be lawful for them to make cisterns and reservoirs in the streets or public ground in said borough, where the same may be necessary.

Duty of president and managers:

Right to enter enclosures.

Damages to be paid.

Right of laying pipes, &c.

SECT. VIII. *And be it further enacted by the authority aforesaid,*

That it shall and may be lawful for the said president and managers to vend the water so conveyed into the borough aforesaid, to such person or persons as may be disposed to use the same, at such price and upon such terms and conditions as may be mutually agreed upon, between the said president and managers and the person or persons desirous of using the same as aforesaid: *Provided,* That the price to be paid by any one family using the said water, shall not exceed ten dollars for the use of the same for any one year: *And provided also,* That the said president and managers shall, at all times, have prepared and provided a sufficient quantity of water, in hydrants or cisterns, to be used in cases of fire without any compensation.

Right of vending water.

Proviso limiting the charge.

2d proviso.

SECT. IX. *And be it further enacted by the authority aforesaid,*

That the president and managers shall call in the capital stock by instalments, as the same may be required, and if any stockholder shall neglect, after thirty days notice published in one or more of the newspapers of said borough, payment may be enforced as in other cases; and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in, half yearly, on the first Mondays of January and July in each year, and shall publish the said dividend and

Penalty on neglecting to pay subscriptions.

Dividends when to be declared.

the place where the same will be paid, and shall cause the same to be paid accordingly.

Penalty on
injuring the
works.

SECT. X. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy, or injure in any manner, the pipes, aqueducts, cisterns, or reservoirs, hydrants, or any of them, or any of the works of said company, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome the stream of water which shall be conveyed and brought into the borough of Northampton by the said company, shall, on being thereof convicted before any justice of the peace in and for the county of Lehigh, by the oath or affirmation of one or more credible witness, pay a fine of not less than five nor more than twenty dollars, one half to the use of the poor of the borough of Northampton, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Time for
commencing
and
completing
the work.

SECT. XI. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within three years after the passing of this act, or shall not within five years afterwards complete the same, so far as to have conveyed the water within the limits of the said borough, in either of these cases all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

Corporation
may pur-
chase after
certain time.

SECT. XII. *And be it further enacted by the authority aforesaid,* That if after the year one thousand eight hundred and thirty-four, the corporation of the said borough should be disposed to purchase out the interest of the company, they shall be permitted to do so, paying therefor such a sum as seven disinterested men, appointed by the president of the court of common pleas of Lehigh county for the time being, who shall, under oath or affirmation, declare to be the full and just value of the same.

Prohibited
from issuing
notes in the
nature of
bank notes.

SECT. XIII. *And be it further enacted by the authority aforesaid,* That the said company shall not have power to issue any note or notes in the nature of bank notes, to be indorsers on any note or notes in their corporate capacity, or to make discounts, or to receive deposits after the manner of any bank or banks, and in case the said company should at any time hereafter act contrary to the provisions contained in this section, their chartered privileges shall be null and void.

REES HILL, *Speaker*
of the House of Representatives.

JOHN TOD, *Speaker of the Senate.*

APPROVED—the thirteenth day of February, one thousand eight hundred and sixteen.

SIMON SNYDER.